

large grained sand to heavy silts.

- Connectivity – Tern foraging areas should not be greater than 438 yards (400 m) from the brood-rearing areas.

Suggested management techniques for habitat creation include: (1) Replenishment or nourishment of river sandbars and islands; (2) creation of suitable nesting habitat in reservoir depositional zones; (3) creation or enhancement of shallow and backwater areas, off-channel chutes, and flats as foraging habitat; (4) removal of early successional vegetation from nesting areas; (5) peninsular cutoffs or island creations in reservoir side bays; and (6) dike construction to dewater reservoir side bays for nesting and foraging habitat.

1.2 In accordance with the recommendations listed in 1.1, Reclamation shall enhance 14 or more acres as tern nesting habitat and approximately 3 or more times this amount as brood-rearing habitat, using elevated areas around Brantley Reservoir as close to the full conservation pool level and the 2004 colony site as feasible. Tern nesting and brood-rearing habitats shall be created in at least two new areas: 1) Directly above and behind the 2004 colony site, and 2) across the Seven Rivers inlet north of the 2004 colony site. In areas designated for enhancement or clearing where migratory birds may be concurrently nesting, Reclamation shall survey for active nests and ensure that neither migratory bird eggs nor young will be killed while enhancing habitat for terns.

1.3 Because terns are sensitive to human disturbance, Reclamation shall work with other willing land managers to ensure that a buffer zone of at least 1/4 mile is maintained around areas where terns are exhibiting breeding behavior and around active colonies to protect them from potentially disturbing activities.

1.4 Reclamation shall coordinate with and update NMESFO on the details and implementation of these terms and conditions weekly during April and May 2006. Reclamation shall again meet with NMESFO if terns establish nests that could be subject to take.

1.5 Reclamation shall monitor the implementation and success of these habitat enhancements and survey and monitor terns throughout the breeding season, and submit interim update reports to NMESFO at biweekly intervals from June through August. A final report shall be submitted to NMESFO by December 15, 2006.

VIII. Conservation Recommendations

Section 7(a)(1) of the Act directs Federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information.

Pecos Bluntnose Shiner

1. The Service and Reclamation should encourage CID and FSID to develop a Habitat Conservation Plan for the shiner or be part of the long-term water operations BO. This would provide CID and FSID with incidental take permits for their water operations.
2. Reclamation should cooperate with the Corps, CID and FSID in developing river restoration projects to benefit the shiner. These could include the removal of salt cedar, destabilizing the banks and widening of the channel, especially in the reaches below BLNWR.
3. The New Mexico Department of Agriculture (NMDA) is currently administering the New Mexico Salt Cedar Control Project through local soil and water conservation districts along the Pecos River. To improve habitat for shiner, Reclamation should collaborate with NMDA to investigate the possibility of removing stands of dead salt cedar and destabilizing the river banks so that the river can become reconnected with the flood plain.
4. Reclamation should continue to pursue opportunities for leasing water to provide supplemental water to the shiner, to create a water bank, and to secure a long-term supply of water that may be used to meet species needs, consistent with state and federal law.
5. Determine water quality impacts on the shiner.
6. Work with the shiner recovery team to investigate the competitive interactions between the species and any other factors that may affect the shiner if/when the minnow is stocked in the Pecos River.
7. Examine competitive interactions among the Pecos River fishes to determine the extent that non-native fish or the red shiner may affect the shiner population.
8. Investigate the possibility of modifying outlet structures at Sumner Dam so that releases greater than 1,400 cfs could be made.

Interior Least Tern

9. Reclamation should work with the State, CID, FSID, and the Service to investigate ways to manage water levels in Brantley Reservoir to benefit terns without impacting the shiner or water deliveries.
10. Reclamation should continue to work with CID and others to clear areas of salt cedar and early successional vegetation from areas around and in proximity to Brantley Reservoir that will create additional nesting and brood-rearing habitat for terns.
11. Reclamation should investigate ways to enhance foraging habitat for terns, using the habitat recommendations listed in Term and Condition 1.1.

12. Reclamation should investigate management opportunities, including protection of peninsular habitat, overburden removal, island construction, and water-control structures to provide long-term habitat to support terns on Pecos River reservoirs.

13. Determine whether water quality is directly or indirectly affecting the tern through effects to prey base quality, abundance, and/or availability, and if so, determine available remedies.

In order for the Service to be kept informed of actions minimizing or avoiding adverse effects or benefiting listed species or their habitats, the Service requests notification of the implementation of any conservation recommendations. These accomplishments may be reported in the weekly conference calls and notes.

Reporting Requirements

The nearest Service Law Enforcement Office must be notified within 24 hours in writing should any listed species be found dead, injured, or sick. Notification must include the date, time, and location of the carcass, cause of injury or death (if known), and any pertinent information. Care should be taken in handling sick or injured individuals and in the preservation of specimens in the best possible state for later analysis of cause of death. In conjunction with the care of sick or injured endangered species or preservation of biological materials from a dead animal, the finder has the responsibility to ensure that evidence associated with the specimen is not unnecessarily disturbed. If necessary, the Service will provide a protocol for the handling of dead or injured listed animals. In the event Reclamation suspects that a species has been taken in violation of Federal, State, or local law, all relevant information should be reported in writing within 24 hours to the Service's New Mexico Law Enforcement Office (505/883-7814) or the New Mexico Ecological Services Field Office (505/346-2525).